

Sexual Assault Investigations

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault: Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

Sexual Assault Nurse Examiners (SANE): Registered nurses who have completed specialized education and clinical preparation in the medical forensic care of the patient who has experienced sexual assault or abuse.

609.2 POLICY

It is the policy of the Kirkland Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

609.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.

609.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated. No opinion of whether the case is unfounded should be included in a report.

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609.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to NORCOM, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim Witness Assistance Policy.

609.5.1 VICTIM PERSONAL REPRESENTATIVE

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

609.5.2 CVSA EXAMINATION OF VICTIM

Victims of alleged sex offenses shall not be asked or required to submit to a CVSA examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a CVSA or other truth telling device shall not by itself prevent the investigation, charging or prosecution of the offense (RCW 10.58.038; 34 USC § 10451).

609.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SANE nurse should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing. Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

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609.6.1 COLLECTION AND TESTING REQUIREMENTS

Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when an adult victim has consented to the submission or the victim is an unemancipated person 17 years of age or younger (RCW 70.125.090).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

609.6.2 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM

Members investigating a sexual assault should work with department Evidence Technicians to ensure that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

609.6.3 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A victim's advocate and/or Mental Health Provider should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

609.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigation Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigation Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

609.8 CASE REVIEW

The Investigation Unit supervisor should ensure cases are reviewed upon completion. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

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It is the practice of the Kirkland Police Department that all sexual assault investigations, once completed, are sent for review by the King County Prosecutor's Office Sexual Assault Unit, with the exception of cases where the victim declines to cooperate.

609.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

609.10 TRAINING

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. This includes, but is not limited to:
 - 1. Initial response to sexual assaults
 - 2. Legal issues
 - 3. Victim advocacy
 - 4. Victim's response to trauma
 - 5. Interviewing techniques
- (b) Qualified investigators who should receive advanced training on additional topics. This includes, but is not limited to, the following:
 - 1. Interviewing sexual assault victims
 - 2. Medical and legal aspects of sexual assault investigations
 - 3. Serial crimes investigations
 - 4. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP)
 - 5. The course provided by the Washington State Criminal Justice Training Commission on investigating and prosecuting sexual assault cases developed pursuant to RCW 43.101.270
 - 6. Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 43.101.270)
 - 7. Evidence collection